

HOUSE BILL 150  
By Turner M

AN ACT to amend Tennessee Code Annotated, Title 11  
and Title 69, relative to waterway beautification.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 69-3-133, is amended by designating the existing language as subsection (a) and by adding the following language as a new subsection (b):

(b)

(1) As used in this subsection:

(A) "Intermittent streams" contain water within a well-defined channel and flow in response to seasonal variations in precipitation (40 to 90 percent of the time) following a major rainstorm or as long as ground water is abundant.

(B) "Perennial streams" contain surface water within a well-defined channel. These streams flow practically year round under normal weather conditions and usually provide permanent habitat for aquatic plants and animal life.

(C) "Streamside management zones" are designated areas consisting of the stream and an adjacent area of varying width where management practices that might affect water quality are modified.

(2) Owners and operators shall leave a streamside management zone during all logging operations adjacent to perennial or intermittent streams. Any perennial or intermittent stream should be protected with a streamside management zone.

(3)

(A) The width of the streamside management zone shall be a minimum of twenty-five feet (25') from the disturbed area to the stream bank for zero percent slope and twenty (20) additional feet for additional ten percent (10%) of slope. This applies to both sides of the stream and the total minimum width is fifty feet (50').

(B) There shall be no removal of any trees within the streamside management zone if such removal would result in soil potentially getting into the stream. If trees can be harvested without risk of soil loss, at least fifty percent (50%) to seventy-five percent (75%) of the vegetation canopy shading a perennial stream shall be retained.

(C) There shall be an avoidance of operating any harvesting equipment or vehicles within the stream management zone. Whenever possible, timber harvested within the stream management zone should be pulled or winched out.

(4) Stream channels shall not be used as roadways for any type of equipment or vehicles.

(5) Streamside management zone boundaries shall be clearly marked prior to harvest by the operator.

(6) The division of forestry, through its authorized employees and agents may at any time, upon reasonable belief that a violation of this section is occurring or has occurred, go upon any land within this state for the purpose of investigating, preventing or controlling sedimentation from silvicultural activities or to determine compliance with streamside management zone requirements and other best management practices in the same manner and to the same extent as is authorized for entries relating to fire or forest disease, insects and pests under § 11-4-406

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.

